

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY

FEDERAL TRADE COMMISSION,

Plaintiff,

v.

HOPE NOW MODIFICATIONS, LLC, et  
al.,

Defendants.

HON. JEROME B. SIMANDLE

Civil No. 09-1204 (JBS/JS)

**ORDER**

This matter having come before the Court upon the FTC's motion to strike the Kwasnik Defendants' affirmative defenses [Docket Item 101]; the Court having considered the arguments advanced by the FTC in support thereof and the opposition filed by the Kwasnik Defendants thereto; for the reasons discussed in the Opinion of today's date; and for good cause shown;

IT IS this 10th day of **March, 2011** hereby

ORDERED that the FTC's motion to strike affirmative defenses shall be, and hereby is, **GRANTED IN PART AND DENIED IN PART**. The motion is **granted** as to Defendants' fourth, sixth, seventh, eighth and ninth affirmative defenses and **denied** as to Defendants' first, second, third, fifth and tenth affirmative defenses; and it is further

ORDERED that Defendants shall supply all required initial disclosures of witnesses and documents with respect to each remaining defense, pursuant to Rule 26(a) (1) (A), within fourteen (14) days of the entry of this Order.

**s/ Jerome B. Simandle**

Jerome B. Simandle  
United States District Judge